

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**FAMILY SERVICE LIFE  
INSURANCE COMPANY,**

**Plaintiff,**

**vs.**

**DIANE STELLY and  
DOUGLAS D. HERR,**

**Defendants.**

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**8:10CV142**

**ORDER**

This matter is before the court *sua sponte*, and pursuant to [NECivR 41.2](#), which states in pertinent part: “At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.” In this case the complaint was filed on April 15, 2010. **See** [Filing No. 1](#). The plaintiff filed a notice of executing summonses on the defendants in April 2010. **See** Filing Nos. [11](#) and [12](#). No other progress has taken place in this matter. The defendants’ answers are now past due. It remains the plaintiff’s duty to go forward in prosecuting the case by, for example, filing a motion for the clerk’s entry of default pursuant to [Fed. R. Civ. P. 55](#) and [NECivR 55.1\(a\)](#) against the defendants. Upon consideration,

**IT IS ORDERED:**

The plaintiff has until the close of business **on October 8, 2010**, to file a motion for clerk’s entry of default or show cause why this case should not be dismissed for failure to prosecute the defendants.

Dated this 24th day of September, 2010.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge